شری سکندر بخت :- صدر صاحب۔ میں عرض کروں - بدقسمتی سے ایسا ہوتا ہے کہ جب کسی چیز کو ہمیں طول دینا ہوتا ہے تو ہم کہیں کے کہیں پہنچ جاتے ہیں - افضل صاحب میں تو یہ کہہ نہیں سکتا - حسین کا لفظ ان کے لئے میں کیسے استعمال کروں - لیکن ایک شعر عرض کرتا ہوں ... "مداخلت" ... آپ ذرا تشریف رکھئے - میں انکی خدمت میں ایک شعر عرض کرتا ہوں

ان حسینوں سے کسی بات کا شکوہ کیسا
جب یہ مل جائیں تو کلیجے سے لگا لو ان کو

ان کو غیر سمجھنے کا سوال کہاں پیدا ہوتا ہے۔ میں اکثر جانتا ہوں - دیکھئے جو کچھ گوتم نے کہا ہوگا - غالباً ان کی جو آپس میں بیٹھے بیٹھے چونچ لڑتی رہتی ہے وہ میں اکثر سنتا ہوں اور وہ سدن کی کارروائی سے باہر کی بات ہے - میں اس کو ایمانداری سے یہ مانتا ہوں کہ یہ ان لوگوں کی آپس میں کچھ چٹکلم - چٹول آپس میں چلتی رہتی ہے - یہ اسی کا ایک حصہ ہے - لیکن اس کو طول دے کر بہت کچھ سیاسی بات پیدا کرنے کی کوشش نہ کیجئے - افضل صاحب کو اگر گوتم جی کی بات بری لگی ہو تو میں اس کی معافی مانگتا ہوں - آپ اس کو بہت آسمان پر مت بٹھائیے

†[] Transliteration in Arabic Script.

DR. BIPLAB DASGUPTA: Why not? ... (Interruptions) ... Why should he say so?

श्री सिकन्दर बख्त : सदन की कार्यवाही से उसका कोई संबंध नहीं था लेकिन कुछ लोगों को शौक है अपनी बात कहने का.. (**व्यवधान**)

شری سکندر بخت :- سدن کی کارروائی سے اس کا کوئی سمبندھ نہیں تھا - لیکن کچھ لوگوں کو شوق ہے اپنی بات کہنے کا ... "مداخلت" ...

उपसभाध्यक्ष (श्री सुरेश पचौरी) सत्य प्रकाश मालवीय जी को उत्तर प्रदेश के मामले में चेयरमन साहब ने परमिट किया है, वह हम लोग कल टेक-अप करेंगे ।

श्री सत्य प्रकाश मालवीय : कल जीरो आवर में टेक-अप करेंगे ।

SHRI GURUDAS DAS GUPTA: Sir, I have a suggestion to make. Let adjourn for half-an-hour and then begin the discussion.

THE CABLE TELEVISION NETWORKS (REGULATIONS) BILL, 1994

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I will take the sense of the House, but before I do that, there is a very small amendment to be made in the Cable Television Networks (Regulation) Bill, 1994. Mr. Minister. ...(*Interruptions*) ...

DR. BIPLAB DAS GUPTA (West BENGAL): No, no; it is not a small amendment. We have a serious objection to it ...(*Interruptions*)... No, no; he has played a confidence trick on the members of the Rajya Sabha. ...(*Interruptions*)... Just a minute. Last time when this Bill was discussed here, we proposed

several amendments, myself and Smt. Sarala Maheshwari, and the entire House supported it. The entire House And the Deputy Chairman came out with a statement saying that she did not find anyhing objectionable in these amendment and she requested us to withdraw it on the basis of the assurance from the Minister, that we would allow it to go through and then the Bill would go to the Lok Sabha; in the Lok Sabha all the amendments, that we had suggested, would be incorporated and then they would come back with a rectified Bill and then we would consider it. Unfortunately, when the Bill was presented before the Lok Sabha, none of the amendments which we had discussed had been incorporated. He has completely gone back on his words. He has completely destroyed the trust which we reposed in him when we withdraw the amendments. It is a confidence trick. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Let us listen to the Minister.

DR. BIPLAB DASGUPTA: It is a breach of trust. We cannot allow this Bill to be moved. We cannot allow this.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Yes, Mr. Minister. Just listen to him.

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHR K. P. SINGH DEO): Sir, I beg to move:

"That the following amendments made by the Lok Sabha in the Cable Television Networks (Regulation) Bill, 1994, be taken into consideration, namely:—

ENACTING FORMULA

(1) That at page 1, line 1; *for* "forty-fifth" *substitute* "forty-sixth".

CLAUSE-1

(2) That at page 1, line 6; *for* "1994" *substitute* "1995".

CLAUSE-23

(3) That at page 7, *for* lines 13 and 14 *substitute* "1995".

(Ord. 3 of 1995)

"23. (1) The Cable Television Networks Ordinance, 1995 is hereby repealed".

The quesion was proposed.

CLAUSE 23

DR. BIPLAB DASGUPTA (West Bengal): Sir, may I ask the Minister to come out with an answer? Look at the amendments which we have suggested. Let me repeat those three amendments. All the Members of the House supported us irrespective of their party affiliation. They have supported the amendments. The Deputy Chairman of the Rajya Sabha said that all these amendments were valid. But still they have not been incorporated in the Bill. Why not? I have not got an answer from the Minister yet. What were the amendments? The Bill is all right. We want a Cable Television Networks (Regulation) Bill. The cable television netwoks must be controlled. That is right. What we wanted was, number one, as in other countries like the Untied States, the United Kingdom and other countries, there should be an independent regulatory authority called 'Cable Television Authority 'which should be set up by the Parliament with eminent personalities, MPs and experts as its members, to formulate the codes for the television programmes including advertisements, to monitor the work of the cable operators as we have mentioned in sub-section (1). We want an independent Cable Television Authority to be there to judge. The officers of the Government should not take all decisions. Such an amendment was lauded by everybody in the House. The second amendment was regarding the power which has given to the

officers. A lot of power has been given to them. If a lot of power is given, for instance, any officer, not below the rank of a Group A officer of the State Government, can, if necessary, in the public interest, prohibit a cable operator from transmitting or re-transmitting any particular programme that is likely to promote disharmony on reiligious grounds or whatever it is. What we wanted to add was that all the grounds should be given in writing. Why should we allow an officer to take a decision without giving it in writing? If the decision is given in writing, then that matter can be examined by the Cable Television Authority which we are proposing. But, if not, it can create a situation where the officer concerned will take bribes. He will unnecessarily harass the independent cable television operators. We cannot allow an officer of the Government to unnecessarily harass independent cable television operators and to accept bribes from them. That cannot be done. So, whatever decision he takes should be put in writing so that it can be examined by the Cable Television Authority which we are proposing.

Thirdly, we have suggested that you are making it compulsory for the cable television operators to run two of the Doordarshan channels. What we are saying is that instead of having some obscene programmes, cheap entertainment programmes, the two programmes to be put there should be serious programmes, educational programmes and social programmes. They should not repeat what the cable television operators usually do. They should be something different. These are the three amendments which we have suggested. Many of the Members, who are present here, including the Deputy Chairman supported them. Now I find the Minister having gone back on his words, having*. (*Interruptions*)... I am sorry. I am withdrawing it.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): This will not go on record.

DR. BIPLAB DASGUPTA: Now having given the promise that he will get it amended, he has not amended, it a bit and he has the check to come to the House and to sit there not explaining why he has not incorporated the amendments in the Bill. I very strongly suggest that it is a way of showing total disrespect to the House, to the opinion of the Members of the House, and it cannot be tolerated and it cannot be accepted. I will suggest, let these amendments not be moved. Let a proper exercise be done by the Government. Let a comprehensive Bill be brought in and then we. They had three months' time. In these three months why could not they work out to bring forward a proper Bill incorporating' all these things? If it is not done we will not allow his Bill to go through.

श्रीमती सरला माहेश्वरी (पश्चिमी बंगाल) वाइस चेयरमैन सर, माननीय विप्लव दासगुप्त जी ने जो इन संशोधनों को, हम दोनों ने संयुक्त रूप में रखा था, उसके बारे में बोलते हुये जो कहा है मैं उसकी ताईद करती हूं और मैं मंत्री जी को याद दिलाना चाहूंगी कि जब उस विषय पर हम विचार कर रहे थे तो स्वयं मंत्री जी ने इस बात को स्वीकारा था। मैं उन्हीं की बात को उद्धृत करना चाहूंगी यहां पर कि माननीय मंत्री जी ने क्या कहा था ताकि हमारे

*Not recorded.

सदन की याददाश्त फिर से ताजा हो जाये ।

माननीय के०पी० सिंह देव साहब ने उस समय कहा था :

"Madam, may I respond? Both the suggestions are very good and and I would incorporate those suggestions properly. I am not claiming that this Bill covers everything under the Sun. Even our Constitution has been amended some 80 times in 47 years. I am under your direction."

उपसभाध्यक्ष महोदय, इसी सदन में जो संशोधन हमने रखे थे उन संशोधनों के बारे में हमारी उपसभापति ने क्या कहा था उसको भी मैं उद्धृत करना चाहूंगी । उन्होंने कहा था :

"You are trying to have the amendments in the original Bill and you yourself have conceded it. I think these two suggestions are very good and the Law Minister has no objection. He has supported it because legally there is a difference between criminal law and vulgarity, the law which affects our morality. I think it cannot be covered under the Criminal Procedure Code. You please add one word in it. The suggestion for a 'cable authority' is also good because such an authority will act as a check and balance the position and will not leave the whole thing in the hands of some bureaucrats to do it. It is not that that they will not take care of it. But the responsibility should be on a large number of people than just one or two people."

उपसभाध्यक्ष महोदय, दिशा बिल्कुल स्पष्ट है, निर्देश भी बिल्कुल स्पष्ट है और मंत्री महोदय का आश्वासन भी बिल्कुल स्पष्ट है, लेकिन इसके बावजूद अगर मंत्री महोदय खुद अपनी ही बात को नकारा करते हैं, हमारी उपसभापति की बात को नकारा करते हैं और पूरे सदन की राय को नकारा करते हैं तो मैं समझती हूं कि यह जनतंत्र की स्वस्थ प्रक्रिया नहीं है और इस पूरे सदन की तरफ मैं यह अपील करना चाहूंगी मंत्री जी को कि व जो संशोधन लाये हैं उन संशोधनों के साथ यह विधेयक पूरा नहीं होता, इसलिये इस विधेयक को वापस लें और एक सर्वांगीण विधेयक लायें तभी हम इसको पास करेंगे । अन्यथा हम अपने संशोधनों को वापस नहीं लेते, क्योंकि आज की दुनिया में जब जिस ग्लोबल विलेज में हम रह रहे हैं यह बहुत जरूरी है और सुप्रीम कोर्ट का जो डिसिजन आया है उस डिसिजन की रोशनी में हमारे मंत्री महोदय को एक सर्वांगीण बिल लाना चाहिये ।

SHRI GURUDAS DAS GUPTA: (West Bengal): Sir, Shrimati Sarala Maheshwari has put forth a proper argument. There had been a categorical assurance in this House and the House was unanimous. Madam Deputy Chairperson, who was presiding at that point of time, made a comment which was tantamount to making a commitment on behalf of the House. That was the commitment which she made. If I put it in a different way, I should say that she had given a directive. The Chairperson, at that point of time, by uttering those words had given a directive to the hon. Minister. Therefore, if the directive of the Chairperson is violated or is not implemented or if the Minister does not take note of it, then this is not a precedent we are generally accustomed to. Therefore, most humbly I request my hon. friend, Shri K.P. Singh Deo, to kindly reconsider it and come to the House, tomorrow or the day after tomorrow, after incorporating suitable amendments in line with the suggestions made. Thank you.

श्री एम०एम० अहलवालिया (बिहार): महोदय, अब लंच-ब्रेक कर लीजिये, चाहे हाफ एन आवर कर दीजिये ।

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Is this the sense of the House?

SOME HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I adjourn the House for lunch till 3.30 p.m.

The House then adjourned for lunch at fifty-four minutes past two of the clock.

The House reassembled after lunch at thirty-two minutes past three of the clock, THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) in the Chair.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I call upon the Minister on the Cable Television Networks (Regulation) Bill, 1994.

SHRI K. P. SINGH DEO: Sir, before I move the amendments, I would just like to add that this Bill had been gone into in great detail. Some hon. Members have made some suggestions. I would like to say that the Ordinance was worded exactly as the Bill which has been framed. It was considered by the Cabinet from both the legal and the Constitutional points of view. It was then sent to the hon. President. After duly studying it, he signed it. It was then immediately brought to the Rajya Sabha and the Lok Sabha. The points made by the hon. Members regarding the independent authority have been noted. I am also duty-bound by the Supreme Court. In its recent judgment on the CAB and the Doordarshan case, the Supreme Court directed that a regulating body should be formed for regulating airwaves. It is a landmark judgment. This will also form part of the comprehensive Bill that I will be bringing in to this House on the direction of the hon. Deputy Chairman. She had given a direction to this effect from the Chair. The Cable Television provision will also form part of the comprehensive Bill. It may take another two months for us to get prepared. Then it will go to the Cabinet and only then can I bring it to the House. About the suggestions made with regard to social programmes and social channels, this will require more examination. At the moment, we do not have a composite channel. But we do have social, cultural, healthcare and environment programmes on the Doordarshan under various heads. But we don't have any ethnic channel in slot because we have a different sort of channel management. But the suggestions made by the hon. Members will be kept in mind. On the question whether it is possible for Doordarshan to have an ethnic channel on social programmes only or on economic programmes only, this will have to be decided by Doordarshan and it will not be proper for me to make a commitment on their behalf on the question of having an ethnic channel.

Sir, as regards the amendment to clause 19, where many Members have felt that unless we put the words "in writing" there might be miscarriage of justice, I would like to say that this aspect had been deliberated upon in consultation with various Ministries and it was not felt necessary then. But in deference to the wishes of the hon. Members, I can only say that once this Bill becomes an Act, I can then come with a separate amendment both before the Lok Sabha and the Rajya Sabha. But if I now bring an amendment which has not been considered by the Cabinet, it will be an impropriety on my part. Otherwise, I will have to go back to the Cabinet and then come again before the Lok Sabha and the Rajya Sabha. It is a fact that both the Houses are concerned about the *satellite* onslaughts in our cultural ethos and about the mushrooming of cable television and that not a single law exists in our country by which

we can register, regulate or do any such thing. I would, therefore, humbly submit that we pass the Bill which has already been considered by the Cabinet, as it is. And it is also nothing but the conversion of an Ordinance itself. Once the Bill becomes an Act, I can then bring in a simple amendment before both the Houses and this will be in consonance with the views of the hon. Members. With these words, I request that the amendments be taken into consideration. *(Interruptions)*

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, I want to move an amendment...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly take your seat. *(Interruptions)* ... No speeches, please... *(Interruptions)*

SHRI S. VIDUTHALAI VIRUMBI: Sir, I am on a point of information. *(Interruptions)*

SHRI VIREN J. SHAH (Maharashtra): Sir, we have all agreed to pass the amenments. But when I had moved a Statutory Resolution, the Deputy Chairman directed certain charges. We quite understand the difficulty of the hon. Minister that without going back to the Cabinet, he cannot bring any amendments right now. We will not stand in the way. But I consulted a few people, legal experts, and people with Parliamentary experience, and I was told that there are a number of laws, laws relating to the Finance Ministry too, where in by mentioning the words "to be recorded in writing", it becomes a speaking order and takes away any arbitrariness. Otherwise, right from the SDM level up to even the Deputy Collectors or the Collectors themselves, they may not be so well-informed that the legislation implies "recorded in writing". So, the Minister may reconsider this aspect. Of course, he has said that he would come back again with this. But what I would like to tell him is, please ask the Law Ministry whether there is any objection to mentioning the words "to be recorded in writing", and if they say that there is no objection to it, the Minister is on a good wicket. Actually, the impression that I got even when the hon. Law Minister replied to this earlier is that he said that it should be done. Sir, there is one other amendment also which was to be reconsidered. I hope that he would bring it the next time, that is, once the Bill becomes an Act, but not too late.

SHRI K. P. SINGH DEO: Sir, I agree with the hon. Member, Shri Viren J. Shah. Once the Bill becomes an Act, I can then bring in a simple amendments including the words "in writing". I am not standing in the way of any formalities. We will try to make it as specific and as clear so that there is no miscarriage of justice or any sort of arbitrariness... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, I am not allowing anybody because it was agreed that nobody would speak on this.

DR. BIPLAB DASGUPTA (West Bengal): Sir, I will make two points. At the outset, I am happy that the Minister has agreed to some of the points which we raised. He has agreed to the setting up of an independent regulatory body. I am happy about it. Also, on the question of grounds to be given in writing, the hon. Minister has mentioned that it needs technical clearance as the Bill had been approved by the Cabinet. He has said that this will also be done. He may not have said it explicitly but the impression is that it will be done...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Biplab Dasgupta, you have already raised those points.

DR. BIPLAB DASGUPTA: I am making new points.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now I will not allow anybody. I am sorry.

DR. BIPLAB DASGUPTA: Mr. Vice-Chairman, there is some confusion. The Minister referred to the nic channel. I don't think any of us has ever mentioned about the ethnic channel. What we asked is very simple. In this document, it is clearly mentioned that the channels of the Doordarshan would exclusively telecast educational and social programmes which shall also compulsorily be shown by the cable TV networks. That is what we wanted. Maybe the Minister is having some [illegible]. We want the [illegible] and social programmes to be shown on these channels for this simple reason. Otherwise, the Doordarshan would replicate just what the other television channels are already showing. We want something different to be given by the Doordarshan, not something which they are alrady showing. The last point I would like to mention is that the Minister has said that he will bring forth some amendments and all that. But he has not given any time-frame for this. This issue was discussed three months ago, in December, 1994. Unless we have some idea about the time he would take, it will become difficult for us to know by when it will be done. The Minister should give some time-frame, say 2 months, 3 months or 6 months.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Gupta, the Minister cannot give any assurance because it is not known how much time the process will take. That is what he has said. You have not followed him.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, Sir, after the Cable Television Networks (Regulation) Bill was passed, some new developments have taken place in Tamil Nadu in regard to private cable television operators. In Tamil Nadu, there are four or five cable television services in existence. One more service has now come into existence in Tamil Nadu and that is the JJ Television. There are already four or five cable television services. So far, there was no conflict among these services. But after the JJ Television came into existence, with the Government support, they are threatening all cable operators.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That is not relevant to the subject. No, that is not related to the present subject... *(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: I am not for any particular television service. If the all cable television operators are threatened like this, I would like to know what protection the Government will give to them to ensure equal treatment for all the cable television operators. This was not taken care of and the Bill was passed. Now that this development has taken place in Tamil Nadu, I would like to know what protection the Government will give to the all cable television operators.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Okay. You have made your point. Now you please sit down.

SHRI S. VIDUTHALAI VIRUMBI: On 29th, they are going on a agitation because of this. Meetings are going to take place in all the district headquarters.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let them go on agitation.

SHRI K. P. SINGH DEO: It has not become an Act. The Ordinance is still not revoked. Unless and until it gets the assent of the President, it will not become an Act. In any case, the State Gtvernment is the implementing agency.

SHRI S VIDUTHALAI VIRUMBI: This issue should be taken into consideration.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister will consider it.

SHRI S. VIDUTHALAI VIRUMBI: Mr. Vice-Chairman, thank you for your assurance.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now the question is.

"That the following amendments made by the Lok Sabha in the Cable Television Networks (Regulation) Bill, 1994, be taken into consideration, namely:—

"ENACTING FORMULA"

(1) That at page 1, line 1, for "forty-fifth" substitute "forty-sixth".

CLAUSE-1

(2) That at page 1, line 6, for "1994" substitute "1995".

CLAUSE-23

(3) That at page 7, for lines 13 and 14, substitute "1995".

Ord. 3 of 1995 "23. (1) The Cable Television Networks (Regulation) Ordinance, 1995 is hereby repealed"."

The motion was adopted.

SHRI K. P. SINGH DEO: Mr. Vice-Chairman, Sir, I beg to move:

"That the amendments made by the Lok Sabha in the Bill be agreed to."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now there are two more Bills. We will take up the Special Mentions after these Bills are passed.

SHRI GURUDAS DAS GUPTA: There is only one Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): No. The earlier Vice-Chairman who prescribed over the House took the sense of the House and he started the debate. Now we have to take up the other Bill.

DR. BIPLAP DASGUPTA: Mr Vice-Chairman, the Customs Tariff (Amendment) Bill, 1995, ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Dasgupta you cannot rise whenever you want. Now we are on a different subject. Kindly take your seat. Now we will continue the discussion on the Statutory Resolution moved by Shri Viren J. Shah on the Securities Laws (Amendment) Bill, 1995. Shri Raghavji will continue his speech.

DR. BIPLAB DASGUPTA: We cannot discuss the Customs Tariff (Amendment) Bill, 1995 today. No time has been allocated for this.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That has not come up for discussion. We are discussing some other Bill.

(I) STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE SECURITIES LAWS (AMENDMENT) ORDINANCE, 1995 (N 5 OF 1995).